

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42179-2020

DATE OF DECISION: DECEMBER 21, 2020

RAJANPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. P.B.S.GORAYA, ADVOCATE FOR THE PETITIONER.
MR. SAURAV KHURANA, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.258 datd 11.10.2020 under Section 307, 506, 427, 148, 149 IPC and Section 25, 27 Arms Act, 1959 Police Station Sirhali, District Tarn Taran. The petitioner is in custody since his arrest.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Tarn Taran in her order dated 7.12.2020 are as under:-

“It is made out that the present case was got registered by Sukhwinder Singh son of Kashmir Singh. He has alleged that on 11.10.2020 at about 6:30 A.M he along with his family members were coming back from Gurudwara Sahib, then Ranjit Singh @ Rana son of Gurnam Singh who were armed with 12 bore rifle, his brother Dilbagh Singh having a revolver and his nephew Rajanpreet Singh armed with pistol, Karamjit Singh @ Kamma along with some other unidentified persons came there. Ranjit Singh raised a lalkara and fired shot rifle which hit his Car in front of Gurudwara Sahib. Then

Karamjit Singh @ Kamma also raised lalkara to kill them. Ranjit Singh again fired shots from his rifle which hit him, his uncle Lakhbir Singh and his Aunt Harbhajan Kaur with intention to kill them. All of them suffered multiple injuries due to hitting of pellets. The motive behind the occurrence is stated to be a long litigation on civil side between the parties.”

Learned counsel for the petitioner contends that his co-accused Ranjit Singh (uncle of the petitioner) was having dispute with complainant Sukhwinder Singh and litigation between them was also going on in respect of the land possessed by his uncle. He contends that as per the FIR itself, gun shot was fired by Ranjit Singh, who was defending his forcible dispossession from the property by complainant and others and in the said occurrence, the petitioner also suffered injuries. He has further contended that the petitioner was granted interim bail vide order dated 20.11.2020 for a period of 10 days and after the completion of said period, he surrendered in time. He has argued that on the statement of petitioner, a cross version has been set up, however, no cognizance has been taken so far by the police, but the investigation in the FIR is nearly complete and further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Jaspreet Singh has opposed the aforesaid prayer and submits that as per the allegations in the FIR, gun shot was fired by Ranjit Singh. He, on instructions, fairly states that the petitioner also suffered injuries in the said occurrence.

Considering the above background, the custody of the petitioner

and the fact that the petitioner has never misused the concession earlier granted to him, this Court does not find any reason to decline the prayer, as the trial is likely to take considerable time to conclude in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

December 21, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No